

AMENDED IN SENATE AUGUST 4, 2014

AMENDED IN SENATE JULY 2, 2014

AMENDED IN SENATE JUNE 11, 2014

AMENDED IN ASSEMBLY APRIL 3, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2057**

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**Introduced by Assembly Member Bonilla**

February 20, 2014

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An act to amend Section 60640 of the Education Code, relating to pupil assessment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2057, as amended, Bonilla. Pupil assessment: consortium alternate performance assessments.

Existing law establishes the California Assessment of Student Performance and Progress (CAASPP), commencing with the 2013–14 school year, for the assessment of certain elementary and secondary pupils. The CAASPP is composed of (1) a consortium summative assessment in English language arts and mathematics for grades 3 to 8, inclusive, and grade 11, as specified, (2) science grade level assessments in grades 5, 8, and 10, measuring specified content standards, (3) the California Alternate Performance Assessment in grades 2 to 11, inclusive, in English language arts and mathematics and science in grades 5, 8, and 10, as specified, and (4) the Early Assessment Program. Existing law specifies numerous policies and procedures with respect to the development and the implementation of the CAASPP by

the Superintendent of Public Instruction, the State Board of Education, and affected local educational agencies.

This bill would require the CAASPP to include a consortium alternate performance assessment in English language arts and mathematics that measures specified content standards to be administered in grades 3 to 8, inclusive, and grade 11 instead of the California Alternate Performance Assessment being administered in grades 2 to 11, inclusive, in English language arts and mathematics. The bill would further provide that, in the 2014–15 school year *and subject to approval by the United States Department of Education, as specified*, the consortium alternate performance assessment in English language arts and mathematics would be a field test only, as specified. The bill would require the state board to adopt ~~new~~ *consortium* alternate performance assessments in English language arts and mathematics for full implementation in the 2015–16 school year. The bill would require the State Department of Education to notify the appropriate committees of the Legislature, school districts, county offices of education, and charter schools if there is a change in the timeline or status of the consortium alternate performance assessments in English language arts and mathematics or in the consortium. The bill also would require the department to submit, no later than February 1, 2015, a report to the appropriate committees of the Legislature, school districts, county offices of education, and charter schools on the consortium alternate performance assessment in English language arts and mathematics, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 60640 of the Education Code is amended  
2     to read:  
3     60640. (a) There is hereby established the California  
4     Assessment of Student Performance and Progress, to be known as  
5     the CAASPP.  
6     (b) Commencing with the 2013–14 school year, the CAASPP  
7     shall be composed of all of the following:  
8     (1) (A) A consortium summative assessment in English  
9     language arts and mathematics for grades 3 to 8, inclusive, and  
10    grade 11 that measures content standards adopted by the state  
11    board.

(B) In the 2013–14 school year, the consortium summative assessment in English language arts and mathematics shall be a field test only, to enable the consortium to gauge the validity and reliability of these assessments and to conduct all necessary psychometric procedures and studies, including, but not necessarily limited to, achievement standard setting, and to allow the department to conduct studies regarding full implementation of the assessment system. These field tests and results shall not be used for any other purpose, including the calculation of any accountability measure.

(2) (A) Science grade level assessments in grades 5, 8, and 10 that measure content standards adopted pursuant to Section 60605, until a successor assessment is implemented pursuant to subparagraph (B).

(B) For science assessments, the Superintendent shall make a recommendation to the state board as soon as is feasible after the adoption of science content standards pursuant to Section 60605.85 regarding the assessment of the newly adopted standards. Before making recommendations, the Superintendent shall consult with stakeholders, including, but not necessarily limited to, California science teachers, individuals with expertise in assessing English learners and pupils with disabilities, parents, and measurement experts, regarding the grade level and type of assessment. The recommendations shall include cost estimates and a plan for implementation of at least one assessment in each of the following grade spans:

- (i) Grades 3 to 5, inclusive.
- (ii) Grades 6 to 9, inclusive.
- (iii) Grades 10 to 12, inclusive.

(3) (A) A consortium alternate performance assessment in English language arts and mathematics for grades 3 to 8, inclusive, and grade 11 that measures content standards adopted pursuant to Sections 60605.8 and 60605.11.

(B) (i) In the 2014–15 school year, local educational agencies shall administer the field tests of the consortium alternate performance assessment in English language arts and mathematics *and shall not administer the California Alternate Performance Assessment in English language arts and mathematics for grades 3 to 8, inclusive, and grade 11*. The assessment shall be a field test only, to enable the consortium to gauge the validity and reliability

1 of these assessments and to conduct all necessary psychometric  
2 procedures and studies, including, but not necessarily limited to,  
3 achievement standard setting, and to allow the department to  
4 conduct studies regarding full implementation of the assessment  
5 system. The field test and results shall not be used for any other  
6 purpose, including the calculation of an accountability measure.

7 (ii) The state board shall adopt ~~new~~ *consortium* alternate  
8 performance assessments in English language arts and mathematics  
9 for full implementation in the 2015–16 school year.

10 (iii) *For purposes of clause (i), the department shall apply for*  
11 *a federal waiver from the United States Department of Education*  
12 *for pupils who participate in the field tests of the consortium*  
13 *alternate performance assessment in English language arts and*  
14 *mathematics.*

15 (C) The department shall notify the appropriate committees of  
16 the Legislature, school districts, county offices of education, and  
17 charter schools if there is a change in the timeline or status of the  
18 consortium alternate performance assessments in English language  
19 arts and mathematics or in the consortium described in this  
20 paragraph.

21 (4) The California Alternate Performance Assessment in science  
22 in grades 5, 8, and 10, which measures content standards adopted  
23 pursuant to Section 60605 until a successor assessment for this  
24 subject matter is implemented.

25 (5) The Early Assessment Program established by Chapter 6  
26 (commencing with Section 99300) of Part 65 of Division 14 of  
27 Title 3.

28 (6) (A) A local educational agency may administer a primary  
29 language assessment aligned to the English language arts standards  
30 adopted pursuant to Section 60605, as it read on January 1, 2013,  
31 to pupils who are identified as limited English proficient and  
32 enrolled in any of grades 2 to 11, inclusive, until a subsequent  
33 primary language assessment aligned to the common core standards  
34 in English language arts adopted pursuant to Section 60605.8 is  
35 developed pursuant to subparagraph (E).

36 (B) If a local educational agency chooses to administer a primary  
37 language assessment to pupils identified as limited English  
38 proficient and enrolled in any of grades 2 to 11, inclusive, pursuant  
39 to subparagraph (A), it shall notify the department in a manner to  
40 be determined by the department and the costs shall be paid by the

1 state and included as part of the testing contract, and the department  
2 shall provide the local educational agency a per pupil  
3 apportionment for administering the assessment pursuant to  
4 subdivision (I).

5 (C) The Superintendent shall consult with stakeholders,  
6 including assessment and English learner experts, to determine  
7 the content and purpose of a stand-alone language arts summative  
8 assessment in primary languages other than English that aligns  
9 with the English language arts content standards. The  
10 Superintendent shall consider the appropriate purpose for this  
11 assessment, including, but not necessarily limited to, support for  
12 the State Seal of Biliteracy and accountability. It is the intent of  
13 the Legislature that an assessment developed pursuant to this  
14 section be included in the state accountability system.

15 (D) The Superintendent shall report and make recommendations  
16 to the state board at a regularly scheduled public meeting no sooner  
17 than one year after the first full administration of the consortium  
18 computer-adaptive assessments in English language arts and  
19 mathematics summative assessments in grades 3 to 8, inclusive,  
20 and grade 11, regarding an implementation timeline and estimated  
21 costs of a stand-alone language arts summative assessment in  
22 primary languages other than English.

23 (E) The Superintendent shall develop, and the state board shall  
24 adopt, a primary language assessment. The Superintendent shall  
25 administer this assessment no later than the 2016–17 school year.

26 (F) This paragraph shall be operative only to the extent that  
27 funding is provided in the annual Budget Act or another statute  
28 for the purpose of this section.

29 (c) (1) No later than March 1, 2016, the Superintendent shall  
30 submit to the state board recommendations on expanding the  
31 CAASPP to include additional assessments, for consideration at  
32 a regularly scheduled public meeting. The Superintendent shall  
33 also submit these recommendations to the appropriate policy and  
34 fiscal committees of the Legislature and to the Director of Finance  
35 in accordance with all of the following:

36 (A) In consultation with stakeholders, including, but not  
37 necessarily limited to, California teachers, individuals with  
38 expertise in assessing English learners and pupils with disabilities,  
39 parents, and measurement experts, the Superintendent shall make  
40 recommendations regarding assessments including the grade level,

1 content, and type of assessment. These recommendations shall  
2 take into consideration the assessments already administered or  
3 planned pursuant to subdivision (b). The Superintendent shall  
4 consider the use of consortium-developed assessments, various  
5 item types, computer-based testing, and a timeline for  
6 implementation.

7 (B) The recommendations shall consider assessments in subjects,  
8 including, but not necessarily limited to, history-social science,  
9 technology, visual and performing arts, and other subjects as  
10 appropriate, as well as English language arts, mathematics, and  
11 science assessments to augment the assessments required under  
12 subdivision (b), and the use of various assessment options,  
13 including, but not necessarily limited to, computer-based tests,  
14 locally scored performance tasks, and portfolios.

15 (C) The recommendations shall include the use of an assessment  
16 calendar that would schedule the assessments identified pursuant  
17 to subparagraph (B) over several years, the use of matrix sampling,  
18 if appropriate, and the use of population sampling.

19 (D) The recommendations shall include a timeline for test  
20 development, and shall include cost estimates for subject areas, as  
21 appropriate.

22 (E) Upon approval by the state board and the appropriation of  
23 funding for this purpose, the Superintendent shall develop and  
24 administer the approved assessments. The state board shall approve  
25 test blueprints, achievement level descriptors, testing periods,  
26 performance standards, and a reporting plan for each approved  
27 assessment.

28 (2) (A) No later than February 1, 2015, the department shall  
29 report to the appropriate committees of the Legislature, school  
30 districts, county offices of education, and charter schools on all of  
31 the following:

32 (i) The status of the field tests of the consortium alternate  
33 performance assessment in English language arts and mathematics  
34 identified in paragraph (3) of subdivision (b).

35 (ii) Any concerns with the consortium identified in paragraph  
36 (3) of subdivision (b).

37 (iii) Recommendations for moving forward if different from  
38 the timelines in paragraph (3) of subdivision (b).

39 (B) Pursuant to Section 10231.5 of the Government Code, this  
40 paragraph shall become inoperative on February 1, 2019.

(d) For the 2013–14 and 2014–15 school years, the department shall make available to local educational agencies Standardized Testing and Reporting Program test forms no longer required by the CAASPP. The cost of implementing this subdivision, including, but not necessarily limited to, shipping, printing, scoring, and reporting per pupil shall be the same for all local educational agencies, and shall not exceed the marginal cost of the assessment, including any cost the department incurs to implement this section. A local educational agency that chooses to administer an assessment pursuant to this subdivision shall do so at its own expense, and shall enter into an agreement for that purpose with a contractor, subject to the approval of the department.

(e) The Superintendent shall make available a paper and pencil version of any computer-based CAASPP assessment for use by pupils who are unable to access the computer-based version of the assessment for a maximum of three years after a new operational test is first administered.

(f) (1) From the funds available for that purpose, each local educational agency shall administer assessments to each of its pupils pursuant to subdivision (b). As allowable by federal statute, recently arrived English learner pupils are exempted from taking the assessment in English language arts. The state board shall establish a testing period to provide that all schools administer these tests to pupils at approximately the same time during the instructional year. The testing period established by the state board shall take into consideration the need of local educational agencies to provide makeup days for pupils who were absent during testing, as well as the need to schedule testing on electronic computing devices.

(2) For the 2013–14 school year, each local educational agency shall administer the field tests in a manner described by the department in consultation with the president or executive director of the state board. Additional participants in the field test beyond the representative sample may be approved by the department, and the department shall use existing contract savings to fund local educational agency participation in one or more tests per participant. Funds for this purpose shall be used to allow for maximum participation in the field tests across the state. To the extent savings in the current contract are not available to fully fund this participation, the department shall prorate available funds by

1 test. Local educational agencies shall bear any additional costs to  
2 administer these assessments that are in excess of the contracted  
3 amount. With approval of the state board and the Director of  
4 Finance, the department shall amend the existing assessment  
5 contract to accommodate field testing beyond the representative  
6 sample, and to allow for special studies using information collected  
7 from the field tests.

8 (g) From the funds available for that purpose, each local  
9 educational agency shall administer assessments as determined by  
10 the state board pursuant to subparagraph (E) of paragraph (1) of  
11 subdivision (c).

12 (h) As feasible, the CAASPP field tests shall be conducted in  
13 a manner that will minimize the testing burden on individual  
14 schools. The CAASPP field tests shall not produce individual pupil  
15 scores unless it is determined that these scores are valid and  
16 reliable.

17 (i) The governing board of a school district may administer  
18 achievement tests in grades other than those required by this section  
19 as it deems appropriate.

20 (j) Subject to the approval of the state board, the department  
21 may make available to local educational agencies a primary  
22 language assessment aligned to the English language arts standards  
23 adopted pursuant to Section 60605, as it read on January 1, 2013,  
24 for assessing pupils who are enrolled in a dual language immersion  
25 program that includes the primary language of the assessment and  
26 who are either nonlimited English proficient or redesignated fluent  
27 English proficient until a subsequent primary language assessment  
28 aligned to the common core standards in English language arts  
29 adopted pursuant to Section 60605.8 is developed pursuant to  
30 paragraph (6) of subdivision (b). The cost for the assessment shall  
31 be the same for all local educational agencies and shall not exceed  
32 the marginal cost of the assessment, including any cost the  
33 department incurs to implement this section. A local educational  
34 agency that elects to administer a primary language assessment  
35 pursuant to this subdivision shall do so at its own expense and  
36 shall enter into an agreement for that purpose with the state testing  
37 contractor, subject to the approval of the department.

38 (k) Pursuant to Section 1412(a)(16) of Title 20 of the United  
39 States Code, individuals with exceptional needs, as defined in  
40 Section 56026, shall be included in the testing requirement of



1 subdivision (b) with appropriate accommodations in administration,  
2 where necessary, and the individuals with exceptional needs who  
3 are unable to participate in the testing, even with accommodations,  
4 shall be given an alternate assessment.

5 (l) (1) The Superintendent shall apportion funds appropriated  
6 for these purposes to local educational agencies to enable them to  
7 meet the requirements of subdivisions (b) and (c).

8 (A) For the CAASPP field tests administered in the 2013–14  
9 school year or later school years, the Superintendent shall apportion  
10 funds to local educational agencies if funds are specifically  
11 provided for this purpose in the annual Budget Act.

12 (B) The Superintendent shall apportion funds to local  
13 educational agencies to enable them to administer assessments  
14 used to satisfy the voluntary Early Assessment Program in the  
15 2013–14 school year pursuant to paragraph (5) of subdivision (b).

16 (2) The state board annually shall establish the amount of  
17 funding to be apportioned to local educational agencies for each  
18 test administered and annually shall establish the amount that each  
19 contractor shall be paid for each test administered under the  
20 contracts required pursuant to Section 60643. The amounts to be  
21 paid to the contractors shall be determined by considering the cost  
22 estimates submitted by each contractor each September and the  
23 amount included in the annual Budget Act, and by making  
24 allowance for the estimated costs to local educational agencies for  
25 compliance with the requirements of subdivisions (b) and (c). The  
26 state board shall take into account changes to local educational  
27 agency test administration activities under the CAASPP, including,  
28 but not limited to, the number and type of tests administered and  
29 changes in computerized test registration and administration  
30 procedures, when establishing the amount of funding to be  
31 apportioned to local educational agencies for each test  
32 administered.

33 (3) An adjustment to the amount of funding to be apportioned  
34 per test shall not be valid without the approval of the Director of  
35 Finance. A request for approval of an adjustment to the amount  
36 of funding to be apportioned per test shall be submitted in writing  
37 to the Director of Finance and the chairpersons of the fiscal  
38 committees of both houses of the Legislature with accompanying  
39 material justifying the proposed adjustment. The Director of  
40 Finance is authorized to approve only those adjustments related

1 to activities required by statute. The Director of Finance shall  
2 approve or disapprove the amount within 30 days of receipt of the  
3 request and shall notify the chairpersons of the fiscal committees  
4 of both houses of the Legislature of the decision.

5 (m) For purposes of making the computations required by  
6 Section 8 of Article XVI of the California Constitution, the  
7 appropriation for the apportionments made pursuant to paragraph  
8 (1) of subdivision (I), and the payments made to the contractors  
9 under the contracts required pursuant to Section 60643 or  
10 subparagraph (C) of paragraph (1) of subdivision (a) of Section  
11 60605 between the department and the contractor, are “General  
12 Fund revenues appropriated for school districts,” as defined in  
13 subdivision (c) of Section 41202, for the applicable fiscal year,  
14 and included within the “total allocations to school districts and  
15 community college districts from General Fund proceeds of taxes  
16 appropriated pursuant to Article XIII B,” as defined in subdivision  
17 (e) of Section 41202, for that fiscal year.

18 (n) As a condition to receiving an apportionment pursuant to  
19 subdivision (I), a local educational agency shall report to the  
20 Superintendent all of the following:

21 (1) The pupils enrolled in the local educational agency in the  
22 grades in which assessments were administered pursuant to  
23 subdivisions (b) and (c).

24 (2) The pupils to whom an achievement test was administered  
25 pursuant to subdivisions (b) and (c) in the local educational agency.

26 (3) The pupils in paragraph (1) who were exempted from the  
27 test pursuant to this section.

28 (o) The Superintendent and the state board are authorized and  
29 encouraged to assist postsecondary educational institutions to use  
30 the assessment results of the CAASPP, including, but not  
31 necessarily limited to, the grade 11 consortium summative  
32 assessments in English language arts and mathematics, for  
33 academic credit, placement, or admissions processes.

34 (p) Subject to the availability of funds in the annual Budget Act  
35 for this purpose, and exclusive of the consortium assessments, the  
36 Superintendent, with the approval of the state board, annually shall  
37 release to the public test items from the achievement tests pursuant  
38 to Section 60642.5 administered in previous years. Where feasible  
39 and practicable, the minimum number of test items released per

1 year shall be equal to 25 percent of the total number of test items  
2 on the test administered in the previous year.

3 (q) On or before July 1, 2014, Sections 850 to 868, inclusive,  
4 of Title 5 of the California Code of Regulations shall be revised  
5 by the state board to conform to the changes made to this section  
6 in the first year of the 2013–14 Regular Session. The state board  
7 shall adopt initial regulations as emergency regulations to  
8 immediately implement the CAASPP assessments, including, but  
9 not necessarily limited to, the administration, scoring, and reporting  
10 of the tests, as the adoption of emergency regulations is necessary  
11 for the immediate preservation of the public peace, health, safety,  
12 or general welfare within the meaning of Section 11346.1 of the  
13 Government Code. The emergency regulations shall be followed  
14 by the adoption of permanent regulations, in accordance with the  
15 Administrative Procedure Act (Chapter 3.5 (commencing with  
16 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
17 Code).